U.S. Department of Justice

United States Attorney
District of Arizona

April 26, 2011

Department of Justice/Washington, D.C.
Attn: Felicia Chambers, Civil Attorney

> Re: Our File No. 2009R29165
>   Investigation of   **ATF**

Dear Ms. Chambers:

As you are aware, testimony and other information received by the grand jury in the above-captioned investigation may be disclosed to you pursuant to Rule 6(e)(3)(A) of the Federal Rules of Criminal Procedure, which provides in pertinent part:

> Disclosure otherwise prohibited by this rule of matters occurring before the grand jury, other than its deliberation and vote of any grand juror, may be made to . . .

> (ii) such government personnel (including personnel of a state or subdivision of a state) as are deemed necessary by an attorney for the government to assist an attorney for the government in the performance of such attorney's duty to enforce federal criminal law.

In connection with the disclosure of this information, however, please be advised that Rule 6(e)(3)(B) provides:

> Any person to whom materials are disclosed under sub-paragraph (A)(ii) of this paragraph shall <u>not utilize that grand jury material for any purpose other than assisting the attorney for the government in the performance of such attorney's duties to enforce federal criminal law</u>.

> An attorney for the government shall <u>promptly</u> provide the District Court, before which was empaneled the grand jury whose material has been so disclosed, with the names of the persons to whom such disclosure has been made and shall certify that the attorney has advised such persons of their obligation of secrecy under this rule.

This rule requires that you not disclose documents, exhibits, testimony or any other matter occurring before the grand jury to anyone other than the Assistant(s) on the investigation and other law enforcement personnel who have been listed on the Rule 6(e) disclosure notice.

Pursuant to the above-quoted requirement, your name will be supplied to the district court as an individual to whom disclosure will be made. If other agents or personnel are assigned this case, you must provide this office with the names of those persons so that their names can be reported to the court and they must be advised of their obligation of secrecy.

If you have requested issuance of a grand jury subpoena, it is <u>your</u> responsibility to see that the subpoena is properly served and that the following is <u>promptly</u> conveyed to my secretary:

1.   Return original subpoena with "return" section properly executed.

2.   Indicate date served, name of agent serving, and date and nature of any compliance by the witness.

3.   Indicate any failure of the witness to comply with the subpoena requirements by the requested date.

Each time a subpoena duces tecum is requested, you are to also:

1.   Indicate whether the witness has complied with the subpoena by voluntarily turning the requested material over to you in lieu of appearing before the grand jury.

2.   Upon taking custody of the evidence (unless Right to Financial Privacy Act material) you are to compile an inventory in writing, provide a copy to my secretary and maintain a copy in your file.

3.   If Right to Financial Privacy Act material is involved you are to deliver the material to the grand jury secretary for return to the grand jury. If you wish to review the material before it is returned to the grand jury, you must obtain approval from the Assistant U.S. Attorney assigned to the case. If approval is granted, arrangements must be made to eventually make the return of the records to the grand jury. After the materials are returned, the grand jury secretary will release the material to you at which time you are to inventory the material as specified above.

If you have any questions, please call me. Please keep this letter in your file for reference.

Sincerely yours,

DENNIS K. BURKE
United States Attorney
District of Arizona
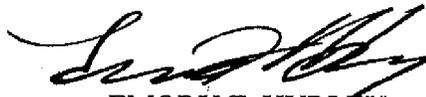
EMORY T. HURLEY
Assistant U.S. Attorney

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